

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

UNITED STATES OF AMERICA,	§	
	§	
Petitioner,	§	
	§	
v.	§	Civil Action No. 4:14-CV-105-O-BJ
	§	
JOSEPH ZADEH, D.O.,	§	
	§	
Respondent.	§	

**APPENDIX IN SUPPORT OF RESPONSE TO PETITION FOR ENFORCEMENT**

JOSEPH ZADEH, D.O. (“Dr. Zadeh”) hereby files this appendix in support of his  
“Response to Petition for Enforcement (Treating Petition as Motion for Summary Judgment)” filed  
this same day.

Respectfully submitted,

/s/ William D. Taylor  
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Fort Worth, TX 76102  
817/335-2331  
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Email: francisco@texasmexicolaw.com

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**CERTIFICATE OF SERVICE**

On April 24, 2014, the foregoing document will be served on all counsel of record via the Court's ECF system.

/s/ William D. Taylor

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<b>Exhibit</b>	<b>Description</b>	<b>Beginning Bates Number</b>
A	Declaration of Kathryn Schluter	1
B	Medical Board subpoena referenced in Declaration of Kathryn Schluter	4

## Exhibit A

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

UNITED STATES OF AMERICA, §

§

Petitioner, §

§

v. § Civil Action No. 4:14-CV-105-O-BJ

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JOSEPH ZADEH, D.O., §

§

Respondent. §

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DECLARATION

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I, Kathryn Schluter, declare as follows:

I am competent to make this declaration and have personal knowledge of the facts stated herein.

On October 22, 2013, 4 people appeared in the office of Dr. Joseph Zadeh. When I asked if I could help them Ms. Pease presented me with her card from the Medical Board and stated they were with the Texas State Medical Board and needed to speak with Dr. Zadeh. The other 3 persons along with her remained silent. I explained to Ms. Pease that Dr. Zadeh was not available at the time as he was on his way back from Florida. I explained to her that he had been out of town and was having trouble with connecting flights.

Ms. Pease then handed me a Medical Board subpoena for medical records. A true and correct copy (with certain patent information redacted) is attached as Exhibit A-1.

After calling and faxing Dr. Zadeh's brother, who is an attorney, I then asked the Ms. Pease and her group to have a seat in the conference room as I gathered the information they requested. After looking around the office, the 4 of them went into the conference room where they began to set up a scanner. I presented them with the charts they requested. At that time all 4 of them began looking over the charts. One woman asked me the hours of our office, and I told her 10:00 am to 6:00 pm, at which time she said she had googled Dr. Zadeh and said the hours said 10:00 am to 10:00 pm. I assured her this was incorrect information. Ms. Pease continued to set up the scanner while the other 3 continued to read through the charts. Several minutes later, another woman came out of



Ms. Pease and another woman began copying charts while the other 2 (a man and a woman) kept looking at charts then would leave the office and return a short time later. During the time they were gone I received several phone calls from different pharmacies that the DEA was in their pharmacy looking through Dr. Zadeh's prescriptions. A short time later I received a phone call from a woman stating she did not want to give her name but wanted me to know she worked in the office next door and the DEA was there asking questions about Dr. Zadeh's practice.

I then walked outside to see if I could see anyone walking around but did not.

Ms. Pease and her assistant continued to copy charts while the other 2 continued to come and go from the office. On several occasions they had shut the doors to the conference room at which time I would re-open the doors as I wanted to watch what they were doing until the attorney was able to come to the office.

About a couple of hours passed, Mr. Jim Zadeh and Mr. Francisco Hernandez (attorneys) appeared at the office and asked the 4 to please stop what they were doing and come out of the conference room. Mr. Zadeh and Mr. Francisco introduced themselves and then asked to see identification on all 4 of the people who had been going through charts.

At that time Ms. Pease gave them her card, Ms. Kara Kirby presented her driver license as she was new with the Medical Board and her cards had not come in as of yet. It was at that time that I learned the other 2 persons were with the DEA as they presented badges and their cards, Michelle Penfold and Mr. Chris Hull.

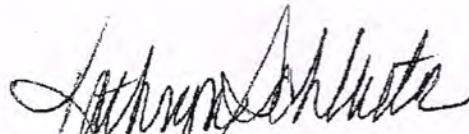
After identification was given to the attorneys, Mr. Hernandez and Mr. Zadeh asked them to stop what they were doing. They told Ms. Pease they would contact Dr. Joseph Zadeh and see what his availability was to see them.

At that time they cleaned up their work in the conference room. Ms. Pease asked to me sign several documents to state she was taking medical records which I did, and she, Ms. Kirby, Ms. Penfold and Mr. Hull left the office.

The patients listed in the subpoena in the above-captioned include patients whose records were reviewed and copied by Ms. Pease, Ms. Kirby, Ms. Penfold, and Mr. Hull.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 24, 2014.

  
Kathryn Schluter

## Exhibit A-1

TEXAS MEDICAL BOARD

THE STATE OF TEXAS \*

SUBPOENA DUCES TECUM

COUNTY OF TRAVIS \*

TO ANY SHERIFF OR ANY CONSTABLE OR ANY INVESTIGATOR OF THE  
MEDICAL BOARD WITHIN THE STATE OF TEXAS – GREETINGS:

You are hereby commanded to summon

**Joseph Hassan Zadeh, DO**  
**354 Glade Road, # 100**  
**Eufless, TX 76039**

to be found at the location designated above, to personally appear Instantly before the representative of the Texas Medical Board, and upon appearance to provide to representatives of the Texas Medical Board the documents or items set forth in Attachment A appended to this subpoena and incorporated herein for all purposes. These documents or items are sought in connection with a certain administrative investigation or proceeding there pending in regard to file number 14-0608. Compliance with this subpoena may be made by providing the designated representative, certified true and legible copies of the documents or items listed in Attachment A of this subpoena. The designated representative of the Texas Medical Board is:

**Sharon Pease, Lead Investigator**  
**Texas Medical Board- MC 263**  
**P.O. Box 2018**  
**Austin, TX 78768**

HEREIN FAIL NOT, and of this subpoena make due return showing when and how you have executed the same.

By service of this subpoena, the individual named herein is COMMANDED AND SUMMONED under the authority of the Tex. Occ. Code Ann. Section 153.007 (Vernon 2004) to personally appear Instantly on this April 22, 2013 and upon appearance to provide to the representative of the Texas Medical Board the documents or items as set forth in Attachment A appended to this subpoena and incorporated herein for all purposes.



Given under my hand and authority from the office at Austin, Travis County, Texas, on this the 21 day of October 2013.

ATTEST:



Mari Robinson, J.D.

Executive Director

Electronically Signed pursuant to the authority of  
Chapter 43, Texas Business and Commerce Code

RETURN

CAME TO HAND THIS 22 DAY OF October, 2013, at 11:25  
o'clock A M., and executed this 22 day of October, 2013,  
at 11:25 o'clock A M., by personally serving the within named witness.

By

  
Constable/Deputy/Investigator

ATTACHMENT A

File # 14-0608

Subpoena to:  
**Joseph Hassan Zadeh, DO**  
**354 Glade Road, # 100**  
**Eules, TX 76039**

Complete and accurate copy of all medical and billing records for the following:

1 [REDACTED]  
2 [REDACTED]  
✓ 3 [REDACTED]  
✓ 4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
✓ 7 [REDACTED]  
✓ 8 [REDACTED]  
9 [REDACTED]  
✓ 10 [REDACTED]  
✓ 11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
✓ 14 [REDACTED]  
✓ 15 [REDACTED]  
✓ 16 [REDACTED]